

Missouri

*Department of Labor
& Industrial Relations*

ANNUAL REPORT
2004

It is with great pleasure that I present the 2004 Annual Report for the Missouri Department of Labor and Industrial Relations. The Department identified three key outcomes to focus on in 2004: reduce job related accidents, illnesses and fatalities; increase efficiency and customer satisfaction with department services; and increase equal access to services and jobs. Department staff dedicated themselves throughout the year to achieving these outcomes and providing the highest standards of excellence.



The Department offers various services and programs designed to protect the citizens of Missouri from gross negligence, fraud, hazardous workplaces, economic instability, civil rights violations and discrimination. These standards are administered through state and federal regulations. Department staff ensures employers and employees understand the laws by conducting informational seminars and outreach programs.

The following report provides a glimpse of the accomplishments and challenges the Department faced in 2004. As we look forward into the new year, the Department will continue to research new and innovative means to provide quality service in the most convenient manner.

Respectfully submitted,

A handwritten signature in black ink that reads "Catherine B. Leapheart". The signature is written in a cursive, flowing style.

Catherine B. Leapheart
Department Director



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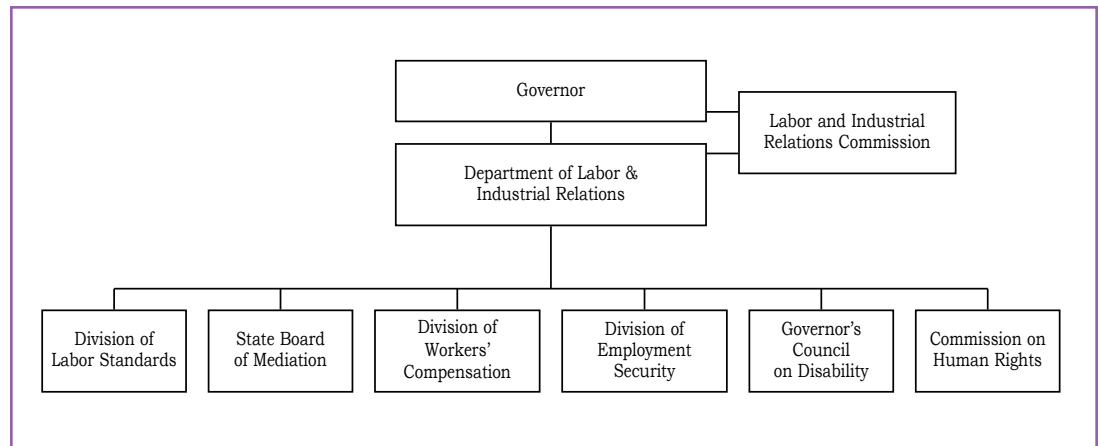
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Governor's Council on Disability*
Truman State Office Building
301 West High Street, Room 250-A
P.O. Box 1668
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Home page: www.gcd.oa.mo.gov

*As a result of Executive Order 04-08, the Governor's Council on Disability was transferred from the Department to the Office of Administration. The transfer was effective in August 2004.

overview

The Omnibus State Reorganization Act of 1974 established the Missouri Department of Labor and Industrial (DOLIR). Agencies operating within the department in 2004 were: Labor and Industrial Relations Commission, Division of Labor Standards, State Board of Mediation, Division of Workers' Compensation, Division of Employment Security, Governor's Council on Disability, the Missouri Commission on Human Rights, and Director and Staff Administration.



The Department is responsive to the workplace needs of employers and employees. It's goal is to provide employees with safe and healthy workplaces and ensure economic security for all Missourians by promoting equal access to jobs, enforcing anti-discrimination laws and awarding payment of compensation to those unemployed, injured at work and victims of crime.

The Department is responsible for administering programs that:

- Provide a financial safety net for workers to offset the loss of a job because of injury or layoff;
- Determines appropriate bargaining unit of public entity employees based on whether or not the proposed group shares interest;
- Regulate wages for public works and construction projects;
- Promote safe and healthy workplaces;
- Enforce Missouri's anti-discriminatory statutes in the areas of housing, employment and public accommodation;
- Promote equal access and full participation for all individuals with disabilities; and
- Investigate allegations of workers' compensation fraud and noncompliance.

As a result of Executive Order 04-08, the Governor's Council on Disability was transferred from the Department to the Office of Administration. The transfer was effective in August 2004.

Refer to pages 16 through 22 for a complete listing of all agencies and services offered within DOLIR.

Vision

Be the nationwide leader in providing the best working environment for all Missourians.

Mission

Provide safe and healthy workplaces and ensure economic security for all Missourians.

Values

Leadership – Be the front runner in administering state and federal laws regarding employer and employee rights and responsibilities.

Partnerships – Collaborate with federal, state, and local partners and employees, other governmental agencies, communities and customers to provide the best environment for all who work in Missouri.

Accountability – Streamline programs and services to provide Missourians with exceptional service in the most cost-efficient manner.

Inventiveness – Provide the most innovative, creative and hassle-free services to Missouri citizens.



Department employees are responsive during meeting.

2004 accomplishments

Internet Option for Business Tax Reporting Is Under Way

The Department piloted the initial release of the Unemployment State Tax Automated Reporting System (USTAR) in July. Approximately 500 Missouri employers volunteered to participate in this pilot project for the new Internet based system, which allows employers to file their quarterly contribution and wage reports, calculate payments, submit account changes and receive account information online. Volunteers submitted 329 contribution and wage reports, 11,731 wage records and 157 ACH Debit transactions in the amount of \$177,252 with the first pilot.



USTAR Team

With nearly 130,000 businesses filing reports each quarter, the new USTAR program will save time and money for Missouri employers. The system will be available statewide in January 2005.

Annual Wage Order Now Available Electronically

In March 2004, the Division of Labor Standards' Wage and Hour section made its Annual Wage Order available to customers online. This new method will save over \$20,000 in mailing and printing costs each year and give customers immediate access to the information. Previously, the Annual Wage Order was mailed by paper or CD Rom. The Annual Wage Order contains prevailing wage rates to be paid on public works projects. The Annual Wage Order can be found at www.dolir.mo.gov/lr.

Partnership Announced to Prevent Youth Injuries

The Division of Labor Standards teamed up with the Missouri Restaurant Association this year to move workplace safety issues for Missouri's youth to the forefront. Historically, most child labor violations are found in retail and food service industries. Both groups have worked together to provide food service employers the tools necessary to prevent injuries to Missouri's working teens. An average of over 2,000 of Missouri's youth under 18 suffered a severe workplace injury in 2004.

Strategic Goal: Reduce Job Related Accidents, Illnesses and Fatalities

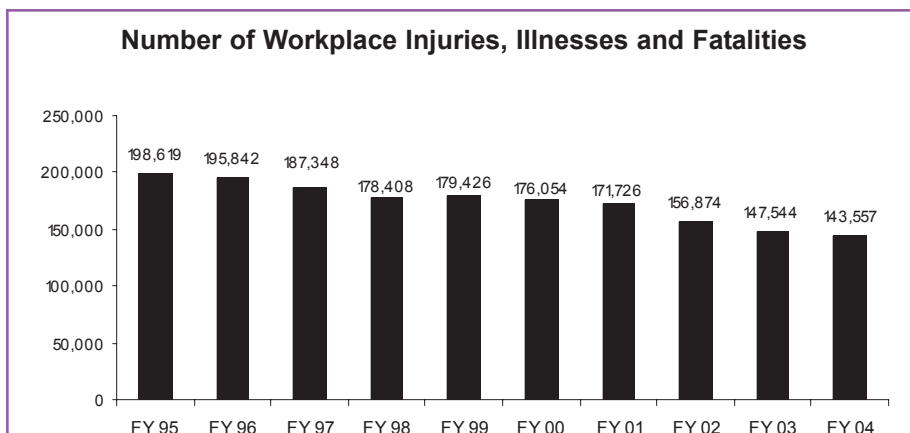
Unsafe workplace practices endanger the health and safety of Missouri's workforce and can hinder the educational opportunities and development of working children.

The Department offers three safety and health programs: Missouri's Workers' Safety, On-Site Safety and Health Consultation and Mine and Cave Safety Training and Inspection. The programs are designed to educate employers and employees about their workplace rights and responsibilities by providing workplace consultations and conducting educational trainings and presentations to employers and insurance companies.

There has been a significant reduction in workplace accidents, illnesses and fatalities in Missouri since 1993 when workers' compensation statutes were amended. Injuries have dropped from a record high of 198,619 in fiscal year 1995 to 143,157 in fiscal year 2004, a 28 percent decline over the period. Such declines in workplace injuries translate into lower costs to employers for lost wages and medical care for injured workers.



Grocery Store Employee

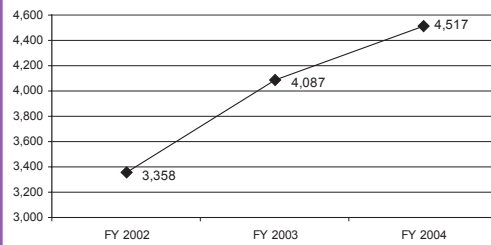


Source: Division of Workers' Compensation, Missouri Department of Labor and Industrial Relations

Workplace Safety

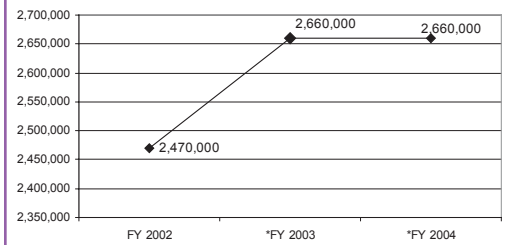
Missouri's workplaces became much safer in 2004 as a result of the safety programs offered through The Department. Over 4,500 workplace hazards were eliminated. The identification and elimination of these workplace hazards resulted in over \$2.5 million of potential Occupational and Safety Health Administration (OSHA) and Mine Safety Health Administration (MSHA) fines and penalties being avoided by Missouri small business employers and mine owners.

Number of Workplace Hazards Eliminated



SOURCE: Division of Labor Standards, Missouri Department of Labor and Industrial Relations

Dollar Amount of OSHA Fines Avoided



SOURCE: Division of Labor Standards, Missouri Department of Labor and Industrial Relations

*In 2003 and 2004, OSHA decreased the average dollar fine per hazard

The Department's Mine Safety section continues "Train the Trainer" educational series for surface and underground mines to educate mine safety and health personnel in the proper training techniques and topics for their miners. These training sessions allowed the Department to reach far more miners in providing safety and health training than if internal trainers provided the training solely by themselves.



Mine and Cave Safety Inspectors

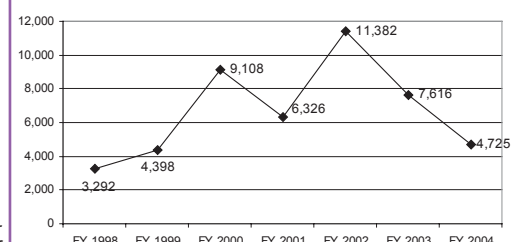
Also this year, the Department's On-Site Safety and Health Consultation Program targeted consultations and education to employers in specific high hazard industries. These included, but were not limited to: construction, nursing homes, horticulture, warehousing and transportation.

Protecting Youth in the Workplace

Each year, many youth under the age of 18 are injured on the job. Last year, over 2,000 of Missouri's youth were seriously injured. Since fiscal year 1998, over 45,000 child labor violations have been found.

Over 1,500 youth ages 14 and 15 were assisted in being employed in safe and healthy workplaces. DOLIR investigated and resolved nearly 5,000 violations of Missouri's Child Labor Law in fiscal year 2004. Correction of violations leads to youth working in safe and healthy workplaces and provides for better achievement of educational goals.

Child Labor Violations



SOURCE: Division of Labor Standards, Missouri Department of Labor and Industrial Relations

Goal: *Increase Efficiency and Customer Satisfaction with Services*

Accurate and Timely Reporting

Filing of Work Related Injuries

Approximately 143,000 workers' compensation injuries were reported in fiscal year 2004. Providing prompt and equitable resolution of these cases requires that each case have accurate and complete information and that the information is received in a timely manner.

The Department implemented Electronic Data Interchange (EDI) as a method to increase the timeliness and accuracy of work related injuries. In fiscal year 2004, 81 insurance companies and self-insured employers filed First Reports of Injury (FRI) through EDI. Electronic filing increased to 74 percent in fiscal year 2004, an increase of 14% over fiscal year 2003.



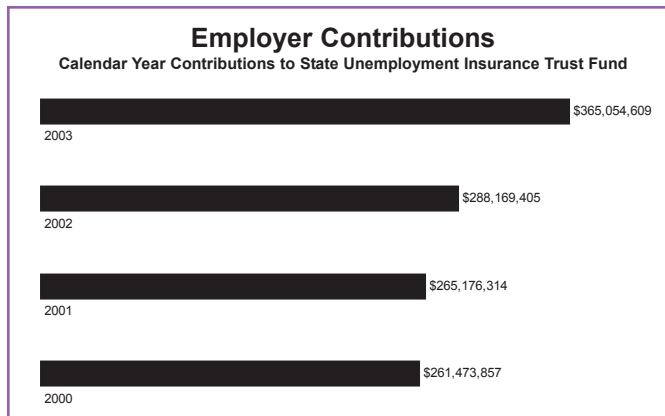
*Division of Workers' Compensation
employee enters First Report of Injury data.*

Also in 2004, the Department completed a pilot project whereby docket notices for workers' compensation hearings were sent electronically to the parties of a case notifying them of when a proceeding was to be held. Over 530,000 of these docket notices were sent in 2004. The Department continues to increase the number of insurance companies, employers and attorneys participating in the paperless communication. Sending these notices electronically reduces paper, printing and postage costs and decreases processing time.

Collection of Unemployment Insurance (UI) Contributions (taxes)

Ensuring employers accurately classify their workers, report workers' wages and pay the correct amount of unemployment taxes (contributions) appropriately contributes to accurate and timely wage reporting.

During fiscal year 2004, there was a slight increase in the number of liable employers in the state from 130,558 in fiscal year 2003 to 132,364 in fiscal year 2004. Nearly 16,000 new employer accounts were established, over 18,000 were inactivated and over 4,100 were transferred. Employers reported approximately 3.2 million employees each quarter. Just over \$358 million in contributions were collected from the state's liable employers, in addition to the collection of over \$46 million from other employers such as reimbursable employers, US government employees and others.



The Department is currently in the pilot stage of an Internet option for employers to file contribution wage reports and make payments of contributions. The pilot began in July 2004 with approximately 500 Missouri employers and is scheduled for full implementation statewide in January 2005. This new alternative will increase the timeliness and accuracy of wage reporting.

Another important function for increasing efficiency is the collection of delinquent employer accounts. In 2004, \$48,760,052 was collected from delinquent employer accounts. A total of \$250,655 in interest earnings was timely credited to the Unemployment Compensation Trust Fund from the United States Treasury. One hundred percent of all contributions were deposited within three days of receipt. During fiscal year 2004, the collection process was streamlined which has resulted in a 24 percent increase in the number of garnishments initiated.

Compliance audits of active contributory employers are performed regularly to ensure employers are accurately reporting workers' earnings. While the federal performance guidelines for tax compliance audits are set at two percent, department staff has exceeded this standard. In fiscal year 2004, 3,458 audits of active employers were conducted, or 2.7 percent of the state's active, contributory employers.

Timely Payment of Benefits

The prompt payment of UI benefits to eligible claimants is a primary objective for the Department. In fiscal year 2004, 84.3 percent of first benefit payments were made within 14 days of the end of the first compensable week.

UI Wages and Benefits		
Calendar Year	Average Weekly Wage	Average Weekly Benefit
2000	\$ 598.95	\$ 180.86
2001	\$ 618.04	\$ 195.05
2002	\$ 626.40	\$ 199.94
2003	\$ 635.51	\$ 200.00

The Department processed 475,253 initial, renewed and reopened claims in fiscal year 2004. Of those workers filing a claim, 80 percent met the earnings requirements to establish monetary eligibility. Most claimants can file their weekly claims, without the cost of postage, either by telephone or online. In fiscal year 2004, 3,397,928 weekly claims were filed resulting in a total of \$673,627,996 being paid in unemployment benefits.

Review of UI Benefits Claims

In addition to meeting the earnings requirement for UI benefits, claimants must also meet the non-monetary provisions of the law relating to job separation and eligibility criteria while claiming unemployment benefits. Job separations for reasons other than a lack of work (quits, discharges, etc.) or refusals of suitable work will raise an issue that must be examined for potentially disqualifying information.

In fiscal year 2004, 335,520 determinations were issued. The claimant was disqualified or denied benefits for one or more weeks in 62.5 percent of the cases requiring investigation.

A goal for the Department is to make claims taking more accessible for claimants and more efficient for staff. By using the telephone or utilizing the Internet option to file unemployment claims, claimants no longer have to drive many miles to an office to file a claim and potentially wait for a long period of time before being served by a staff member. In fiscal year 2004, 358,250 calls were answered relating to the filing of an initial unemployment claim. During the same time, an additional 531,395 informational calls were answered. This brings the total number of calls answered to 965,005.



*Division of Employment
Security employee reviews
claim information.*

Unemployment Insurance Claims and Benefits

Calendar Year	First Payments	Weeks Compen- sated	Benefits Paid (\$000)	Average Weekly Benefit	Average Duration (Weeks)	Reserves Dec. 31 (\$000)
2000	137,426	1,800,952	325,704	\$180.86	13.6	459,192
2001	174,153	2,441,813	476,283	\$195.05	14.0	262,830
2002	185,414	2,897,341	579,282	\$199.94	15.7	124,630
2003	247,073	3,478,779	601,158	\$200.00	16.5	-

Unemployment Insurance Appeals

The UI appeals program provides due process hearings for all appeals arising under UI benefit entitlement and tax liability, as well as other special programs. The Department began fiscal year 2004 with a significant backlog of appeal cases due to changes in procedures which increased the number of appeals and loss of staff. Through teamwork and streamlining of processes, the appeals backlog was eliminated by the end of fiscal year 2004 and all federal performance criteria was met. In fiscal year 2004, 31,362 cases were filed and over 36,000 cases were docketed.

Highest Administrative Appeals

The Labor and Industrial Relations Commission hears appeals of unemployment insurance, workers' compensation, prevailing wage, crime victims' compensation and tort victims' compensation at the highest administrative level. In fiscal year 2004, 561 workers' compensation cases were appealed to the Commission. This represents a 30 percent increase over the previous fiscal year. In addition, 4,493 unemployment insurance appeals were received, a 9 percent increase over the past year. Although the appeals caseload has increased, the federal performance criteria continues to be met in review of unemployment insurance cases without the addition of staff or resources.

Public Bargaining Sector

Under the law, public bodies or their designated representatives meet and discuss proposals of employment with a labor or employee organization. In 2004, the Department received 33 petitions and conducted 17 representation elections.

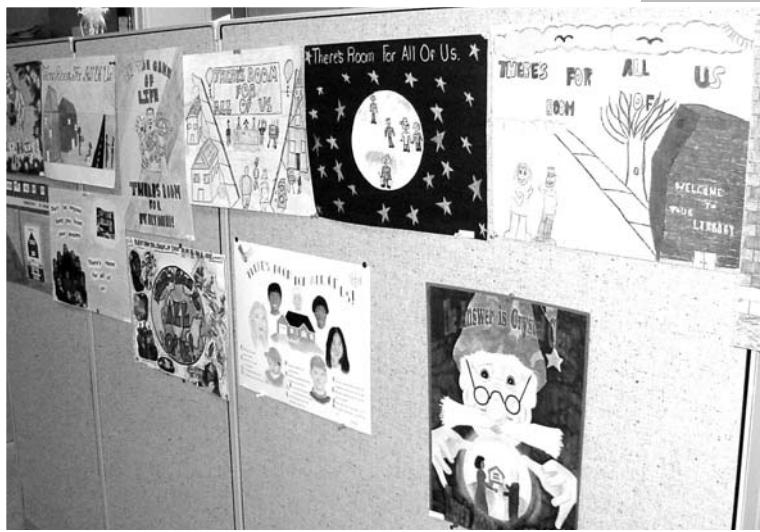
On March 1, 2004, the Department conducted its largest election in fiscal year 2004 consisting of 5,400 ballots.

Strategic Goal: Increase Equal Access to Services and Jobs

The Missouri Commission on Human Rights and the Governor's Council on Disability are committed to diversifying Missouri's workforce to reflect the diversity of Missouri's citizens, enforcing anti-discrimination laws and promoting equal access to services, housing and jobs. These programs provide education and outreach regarding rights and responsibilities under the Missouri Human Rights Act and the Americans with Disabilities Act (ADA).

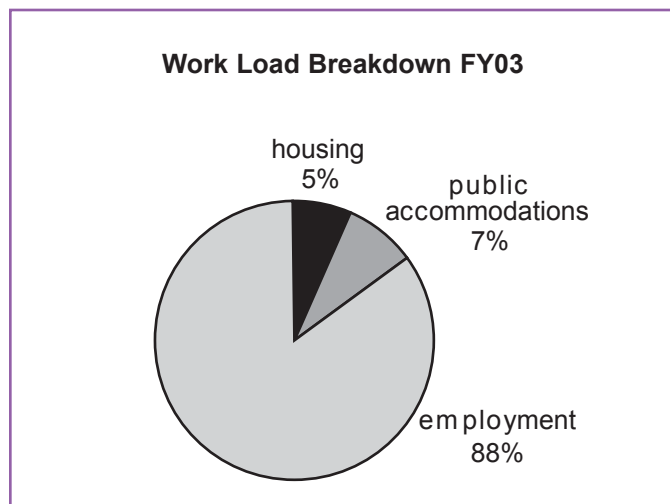
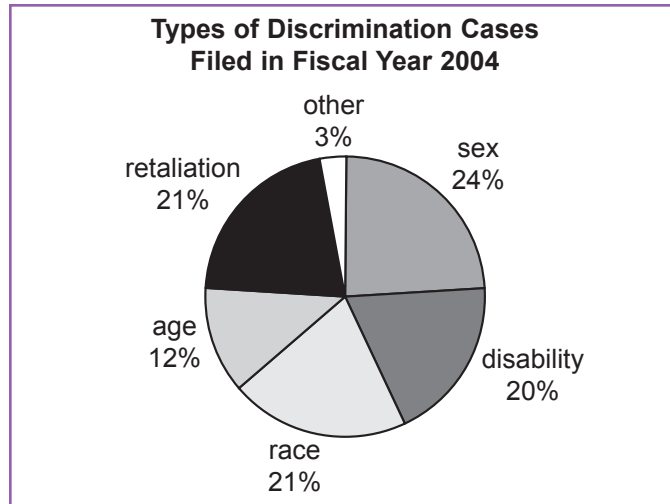
The Department follows a proactive approach to diversity, by developing a well-designed education and outreach program geared to employees, employers, businesses, housing providers, tenants and schools. In fiscal year 2004, nearly 130 training sessions were conducted and approximately 5,000 people received training in the following areas: sexual harassment prevention, cultural sensitivity, disability awareness and age discrimination. In addition, over 30 custom presentations were conducted regarding disability rights and responsibilities under the ADA.

In fiscal year 2004, over 15,000 inquires about filing a discrimination complaint was filed. During the same period, 1,666 complaints were filed. In spite of reduced resources, case processing time for investigations averaged 211 days on 90 percent of the cases.



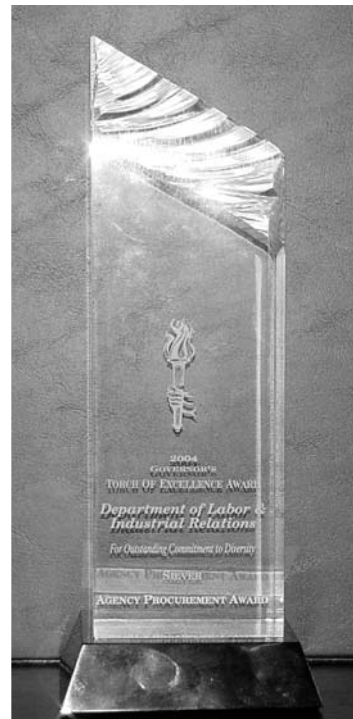
The Missouri Commission on Human Rights held a poster/journalism contest to raise awareness of discrimination in the workplace, housing and public accommodations.

The following charts show a percentage breakdown of the types of cases received and the decisions issued by the Missouri Commission on Human Rights for fiscal year 2003.



Diversity in Procurement

The Department received the Governor's Torch of Excellence Silver Award in 2004 for its leadership and exemplary efforts in the area of diversity in procurement. To qualify for the award, the Department completed superior internal procurement procedures. In fiscal year 2004, DOLIR spent nearly 20 percent of agency purchases with minority and 6 percent with women owned businesses.



*Governor's Torch of Excellence
Silver Award*

Labor and Industrial Relations Commission

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Home Page: www.dolir.mo.gov/lirc

The Labor and Industrial Relations Commission is composed of three members. Each commissioner is appointed to staggered six-year terms by the governor with the advice and consent of the Senate. One member of the commission, a licensed Missouri attorney, who is qualified by reason of previous activities and interests, shall represent the public. Another member shall be classified as a representative of the employer and the remaining member shall be classified as representative of the employee. The governor designates a member of the commission as chair. Historically, the representative of the public has been designated and confirmed as chair of the commission. The present designee as chair is also the public member designee of the commission.

The commission hears all appeals from decision and awards in workers' compensation, unemployment compensation, prevailing wage, victims' of crime compensation and tort victim compensation cases at the highest administrative level. In connection with these appellate duties, the commission holds hearings and renders written opinions pursuant to the provisions of the Missouri Administrative Procedures Act. These opinions, in turn, are subject to review by the Missouri Supreme Court, and courts of lesser jurisdiction. In addition, the commission is charged with the statutory authority to approve or disapprove all rules or regulations promulgated by the divisions within the department.

The commission nominates and the governor appoints, subject to the advice and consent of the Senate, a director of the Department of Labor and Industrial Relations to be chief administrative officer.

Division of Labor Standards

3315 West Truman Boulevard

P.O. Box 449

Jefferson City, MO 65102-0449

Telephone: 573-751-3403

Fax: 573-751-3721

Home Page: www.dolir.mo.gov/lr

The Missouri Division of Labor Standards provides information about workplace issues and enforces certain labor laws within the state. The Division can provide information about worker safety and health, mine and cave safety, complying with laws about child labor, prevailing wage, minimum wage, overtime and dismissal rights, as well as many other general workplace issues.

The Division of Labor Standards consists of three sections:

1. Wage and Hour Section
2. On-Site Safety and Health Consultation Program
3. Mine and Cave Safety and Health Program

Labor Standards' Wage and Hour Section helps Missourians get correct information regarding wages, work hours, vacations, lunches, hiring and more. Employers and employees are provided information on their workplace rights and responsibilities.

The Wage and Hour Section also administers Missouri's Child Labor and Prevailing Wage laws. They help employers ensure children's safety, health, morals, educational processes and general well being. In addition, the Division is responsible for compiling wage surveys and conducts wage investigations to set the prevailing wage and to ensure the prevailing wage law is followed.

The Division's On-Site Safety and Health Consultation and Mine and Cave Safety programs strive to reduce work-related injuries, illnesses and fatalities by educating and training employers and employees on workplace safety and health issues. The Division performs consultations and inspections of work sites, during which division employees identify job hazards and offer recommendations for hazard correction and elimination. The Division's programs help Missouri's children, employers and employees participate in healthful and profitable working and educational experiences. The On-Site Safety and Health Consultation Program provides no-cost, on-site safety and health consultations with no penalties or fines for Missouri employers with up to 250 employees.

State Board of Mediation

3315 West Truman Boulevard

P.O. Box 591

Jefferson City, MO 65102-0591

Telephone: 573-751-3614

Fax: 573-751-0215

Home page: www.dolir.mo.gov/sbm

The State Board of Mediation is a five-member panel directly administering the Public Sector Labor Law, which covers many public employees who seek union representation.

Under the law, public bodies or their designated representatives meet and discuss proposals of employment with a labor or employee organization, which is their exclusive bargaining representative.

The Board primarily determines an appropriate bargaining unit of employees based on whether or not the proposed group shares interests. Also, it determines majority representative status by conducting a secret ballot election.

Other functions of the Board include assisting with questions concerning public employee bargaining and providing services in establishing labor management committees within public bodies.

Division of Workers' Compensation

3315 West Truman Boulevard

P.O. Box 58

Jefferson City, MO 65102-0058

Telephone: 573-751-4231

Fax: 573-751-2012

Home page: www.dolir.mo.gov/wc

The Division of Workers' Compensation works with employers and employees regarding workplace injuries and illnesses. Many Missouri employers are required by law to carry workers' compensation insurance for employees. Workers' compensation insurance provides financial assistance to workers injured on the job. The Division helps ensure that those injured workers receive appropriate medical treatment and payment of compensation for lost wages.

The Division also provides prompt and equitable resolution of disputes in cases of work-related injuries and occupational diseases. Mediation services are provided to help employers and employees resolve disputes about medical treatment and lost wages. This helps prevent costly depositions or formal hearings.

To ensure compliance with workers' compensation laws, the Fraud and Noncompliance Unit conducts confidential investigations of all allegations of workers' comp fraud and noncompliance on the part of employees, healthcare providers and employers, including situations when an employer fails to carry required workers' compensation insurance (noncompliance). If fraud or noncompliance is evident, the case is referred to the Office of the Attorney General.

The Division of Workers' Compensation also assists victims of violent crimes who have suffered physical injury as a result of a crime. Dependents of deceased crime victims also receive benefits.

Division of Employment Security

421 East Dunklin Street

P.O. Box 59

Jefferson City, MO 65104-0059

Telephone: 573-751-3215

Fax: 573-751-4945

Home page: www.dolir.mo.gov/es

Unemployment Insurance programs provide partial protection for workers against loss of wages during periods of involuntary unemployment. The benefits paid to insured workers bolster the economy of the state during periods of economic recession by helping maintain the level of consumer purchasing power.

The Division of Employment Security provides payment of unemployment insurance benefits to workers who become unemployed through no fault of their own. Eligible individuals may qualify for up to 26 weeks of unemployment compensation. One goal of the Division is to promptly supply payments of unemployment benefits to eligible claimants. Individuals may file claims by telephone or via the Internet.

Payment of benefits under the regular program are made from a trust fund supported by contributions from employers and payments by certain governmental and nonprofit employers who reimburse in lieu of paying contributions. No part of the contribution is deducted from a worker's wages.

The Division also collects contributions paid by Missouri employers for the payment of weekly unemployment benefits to qualified claimants. The Division of Employment Security ensures that employers are reporting their workers' wages and paying the correct contributions on those wages.

An independent appeals tribunal hears and decides appeals arising from determinations made by Division of Employment Security deputies in unemployment benefits cases. Referees conduct hearings and issue written decisions in regular unemployment insurance benefit appeals, appeals involving the tax liability of an employer and other, special unemployment insurance programs.

Commission on Human Rights

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Fax: 573-751-2905

Home page: www.dolir.mo.gov/hr

The 11-member Commission provides equitable and timely resolutions of discrimination claims through enforcement of the Missouri Human Rights Act. It develops, recommends and implements ways to prevent and eliminate discrimination in the workplace, public accommodations and housing. Discrimination can be based on race, color, religion, national origin, ancestry, sex, physical/mental disability, age and familial status.

Any person has the right to file a written complaint of unlawful discrimination with the Commission on Human Rights. The Commission reviews and investigates the complaint and makes a determination whether there is probable cause to believe discrimination has occurred. If discrimination is found, conciliation is attempted. If the complaint is not resolved in conciliation, a public hearing may take place to adjudicate the matter.

The Commission also offers training to public and private employers, organized groups, school districts and housing providers on topics such as sexual harassment prevention, cultural sensitivity, disability sensitivity and fair housing information.

Governor's Council on Disability

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301 West High Street, Room 250-A
P.O. Box 1668
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Telephone: 573-751-2600
Fax: 573-526-4109
Toll-free: 800-877-8249
Home page: www.gcd.oa.mo.gov

The Governor's Council on Disability focuses on creating a climate in which all Missourians with and without disabilities have equal access to employment opportunities.

The Council promotes the full participation of the nearly 1 million Missourians with disabilities in all aspects of community life by educating employers and employees of their rights and responsibilities under the Americans with Disabilities Act. Council staff also conducts educational seminars and on-site training programs, and presents an annual conference on disability issues.

The council also publishes a newsletter, a resource directory and informational brochures on topics relating to people with disabilities, including information about compliance with the Americans with Disabilities Act and how to use assistive technology to maximize the productivity of people with disabilities.

The Council offers assistance to other state agencies for compliance with all laws regarding persons with disabilities. It maintains communication with disability advocates and service providers to disseminate information and receive feedback on problems affecting people with disabilities in order to recommend policy improvements. The Council aims to promote positive images and protect persons with disabilities through equal access to services and employment opportunities.

As of August 2004, the Governor's Council on Disability was transferred to the Office of Administration.

Fiscal Year 2004

financial appropriations summary

<u>Division</u>	<u>Total Appropriation</u>
Director and Staff	\$ 18,345,521.00
Labor and Industrial Relations Commission	\$ 893,093.00
Division of Employment Security	\$ 49,701,553.00
Division of Labor Standards	\$ 3,064,707.00
Division of Workers' Compensation	\$ 74,014,714.00
Governor's Council on Disability	\$ 4,667,032.00
Missouri Commission on Human Rights	\$ 1,971,663.00
State Board of Mediation	\$ 138,750.00
Total	\$152,797,033.00



Missouri Department of Labor and Industrial Relations

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